

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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CHRISTOPHER M. SWISHER, \*

#244 848, \*

Plaintiff, \*

v. \* 2:07-CV-75-WKW

C/O RODGERS C/O I \*

Defendant. \*

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**ORDER**

On February 7, 2007 Plaintiff submitted information regarding his inmate account at the Staton Correctional Facility where he transferred to on January 26, 2007. Because of his recent transfer, Plaintiff does not have any activity showing in his inmate account for the past six months.

As noted in the court's January 29, 2007 order, pursuant to the fee provisions of 28 U.S.C. § 1915(b)(1), the court requires Plaintiff to submit an inmate account statement reflecting the average monthly balance in his prison account and the average monthly deposits to his account *for the 6-month period immediately preceding the filing of this complaint*. Plaintiff, therefore, shall be granted additional time to provide the court with information regarding his inmate account from the Draper Correctional Facility so the court may determine whether he should be allowed to proceed *in forma pauperis* in this cause of action.

Accordingly, it is ORDERED that:

1. On or before February 23, 2007 Plaintiff shall submit an inmate account statement from the Draper Correctional Facility which reflects the average monthly balance in his prison account and the average monthly deposits to his account for the *6-month period immediately preceding the filing of the instant complaint*. Plaintiff is cautioned that his failure to comply with this order may result in a Recommendation by the undersigned that this case be dismissed; and

2. The Clerk of Court SEND a copy of this order to the account clerk at the Draper Correctional Facility.

Done, this 8<sup>th</sup> day of February 2007.

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/s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE